

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of:  
U.S. Patent No. 5,750,338

Mark L. Collins *et al.*

Reissue Serial No. 09/533,906

Reissue Application Filed: March 8, 2000

For: TARGET AND BACKGROUND  
CAPTURE METHODS WITH  
AMPLIFICATION FOR AFFINITY  
ASSAYS

Group Art Unit: 1634

Examiner: Unassigned

**PROOF OF SERVICE**

**ATTENTION: REISSUE LITIGATION BOX 7**

Assistant Commissioner for Patents  
Washington, D.C. 20231

I, Kellee Clinton, do hereby declare as follows:

1. I am over the age of eighteen years, and not a party to this proceeding.
2. My business address is 10210 Genetic Center Drive, San Diego, California 92121.
3. On August 1, 2000, I served the following documents in the manner described in

Paragraph 4:

PROTEST UNDER 37 C.F.R. § 1.291;

ATTACHMENT A TO PROTEST ('338 PATENT HISTORY...);

DECLARATION OF MICHAEL M. HARPOLD, Ph.D;

EXHIBIT A – CURRICULUM VITAE OF MICHAEL M. HARPOLD, Ph.D;

INFORMATION DISCLOSURE STATEMENT ACCOMPANYING PROTEST;

PTO FORM 1449;

TWENTY-ONE (21) REFERENCES;

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TRANSMITTAL LETTER TO PTO; and

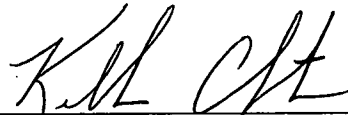
COPY OF RETURN/PREPAID POSTCARD TO PTO.

4. On August 1, 2000, I served the documents listed in Paragraph 3 by placing a copy of each of the documents in an envelope, sealing the envelope, and, with postage fully prepaid, placing the envelope for deposit with the United States Postal Service on the same day, at my business address shown above, following ordinary business practices, addressed to:

Jean Burke Fordis, Reg. No. 32,984  
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.  
Suite 700  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

I hereby declare under the laws of the United States of America that all statements made herein are true of my own knowledge and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.

Executed at San Diego, California on August 1, 2000.

  
\_\_\_\_\_  
Kellee Clinton

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#7

REISSUE LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)	Group Art Unit: 1634
U.S. Patent No. 5,570,338	)	
Mark L. Collins <i>et al.</i>	)	Examiner: [Unassigned] <i>Johannsen</i>
	)	
Reissue Serial No. 09/533,906	)	
	)	Atty. Docket No. Collins Reissue Protest
Reissue Application Filed: March 8, 2000	)	
	)	
For: TARGET AND BACKGROUND CAPTURE	)	
METHODS WITH AMPLIFICATION FOR	)	
AFFINITY ASSAYS	)	

PROTEST UNDER 37 C.F.R. § 1.291(a)

TRANSMITTAL LETTER

RECEIVED  
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 11:06  
 09/29/00  
 09/29/00

Attn: REISSUE LITIGATION BOX 7  
 Commissioner for Patents  
 Washington, D.C. 20231

Sir,

Attached please find the following documents pertaining to the above-referenced Reissue

Litigation:

1. Protest Under 37 C.F.R. §1.291(a) - 37 pgs.;
2. Attachment A - '338 Patent History with Post-Issuance Correction & Amendments - 1 pg.
3. Declaration of Michael M. Harpold, Ph.D. - 18 pgs.;
4. Exhibit A -Curriculum Vitae of Michael M. Harpold, Ph.D. - 9 pgs.;
5. Information Disclosure Statement Accompanying Protest Under 37 CF.R. §1.291(a) -5 pgs.
6. PTO Form 1449 - 2 pgs. (in duplicate - 4 pgs. total);
7. Twenty-One (21) References;
8. Proof of Service to: Jean Burke Fordis of Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, 1300 I Street, N.W., Washington, D.C. 20005 - 2 pgs.; and
9. Return/Prepaid Postcard

CERTIFICATE OF DELIVERY

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being hand delivered to Group Art Unit 1634 on the date indicated below addressed to the Commissioner for Patents, Reissue Litigation Box 7, Commissioner for Patents, Washington, D.C. 20231.

8/2/00  
 Date of Delivery

Thinh Nguyen  
 Name of Person Delivering Paper

Thinh Nguyen  
 Signature of Person Delivering Paper

PROTEST UNDER 37 C.F.R. § 1.291(a)

REISSUE LITIGATION

TRANSMITTAL LETTER

Reissue App. of U.S. Patent No. 5,570,338  
Mark L. Collins *et al.*

Atty. Docket No. Collins Reissue Protest

Reissue Application Filed: March 8, 2000

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No fee is believed due in connection with this filing. If, however, Applicant is in error and a fee is due, please debit Deposit Account No. 07-0835 the appropriate amount.

Respectfully submitted,



Peter R. Shearer  
Reg. No. 28,17

Dated: August 1, 2000

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# '338 PATENT HISTORY WITH POST-ISSUANCE CORRECTIONS AND AMENDMENTS

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